

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA

v.

SHARI BIRCH,

Defendant.

INDICTMENT

Case No.

29 U.S.C. § 501(c)

10 CR 172 wmc

THE GRAND JURY CHARGES:

COUNTS 1-11

1. At all times material to this indictment:

(a) The American Federation of State, County and Municipal Employees (AFSCME) Local 1760-A, hereinafter "Local 1760-A," was a labor organization, as defined in Title, 29, United States Code, Section 402(i) and 402(j), representing approximately 30 members employed at St. Francis Home in the Park, a skilled nursing facility located in Superior, Wisconsin.

(b) The defendant, SHARI BIRCH, was an officer as defined in Title 29, United States Code, Section 402(n), that is, Treasurer of AFSCME Local 1760-A, and authorized to perform the duties of that office. BIRCH was responsible for receiving all money owed to Local 1760-A and depositing all money she received into a Local 1760-A account, making true and accurate entries in union records, paying the legitimate bills of the union, and preparing and submitting true and accurate reports to the Department of Labor.

(c) The dues owed to Local 1760-A by its members were withheld from their paychecks by the employer. Twice a month the employer sent BIRCH a check for all the members' dues. The checks sent to BIRCH were known as "dues checkoff" checks.

2. On or about the following dates, in the Western District of Wisconsin, the defendant,

SHARI BIRCH,

while an officer of Local 1760-A, a labor organization engaged in an industry affecting commerce, embezzled, stole and unlawfully and willfully abstracted and converted to her own use, or the use of another, monies in the total amount of \$14,413.54 of Local 1760-A, in the amounts and under the circumstances identified below, by causing dues checkoff checks from a bank account of St. Francis Home in the Park, which were intended for the account of Local 1760-A, to be deposited instead into her personal account:

Count	Check Date	Check Number	Check Amount
1	05/11/2007	86068	\$1,473.11
2	06/08/2007	86412	\$1,369.70
3	08/03/2007	87080	\$1,316.90
4	08/31/2007	87404	\$1,297.07
5	11/23/2007	88386	\$1,259.80
6	12/21/2007	88731	\$1,269.94
7	03/14/2008	89791	\$1,378.32
8	06/06/2008	90837	\$1,432.66
9	08/01/2008	91468	\$1,335.00
10	09/12/2008	91942	\$1,154.57

11	10/24/2008	92424	\$1,126.47
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(All in violation of Title 29, United States Code, Section 501(c)).

COUNTS 12 - 18

1. The factual allegations in paragraph 1 of Count 1 of this indictment are incorporated by reference and realleged as though fully set forth herein.
2. On or about the following dates, in the Western District of Wisconsin, the defendant,

SHARI BIRCH,

while an officer of Local 1760-A, a labor organization engaged in an industry affecting commerce, embezzled, stole and unlawfully and willfully abstracted and converted to her own use, or the use of another, monies in the total amount of \$1,891.00 of Local 1760-A, in the amounts and under the circumstances identified below, by not depositing the full amount of the dues checkoff checks issued to Local 1760-A but instead obtaining cash back from the deposits:

Count	Deposit Date	Check Number	Check Amount for Deposit	Amount Deposited Into Local 1760-A Account	Cash Back To Birch
12	10/03/2007	87726	\$1,304.57	\$1,004.57	\$300.00
13	02/04/2008	89261	\$1,290.80	\$990.80	\$300.00
14	04/17/2008	90141	\$1,319.46	\$1,119.46	\$200.00
15	04/30/2008	90325	\$1,441.92	\$1,141.92	\$300.00
16	05/20/2008	90492	\$1,391.76	\$1,200.76	\$191.00
17	07/10/2008	91151	\$1,338.86	\$1,038.86	\$300.00

18	07/29/2008	91315	\$1,319.46	\$1,019.46	\$300.00
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(All in violation of Title 29, United States Code, Section 501(c)).

COUNTS 19 - 20

1. The factual allegations in paragraph 1 of Count 1 of this indictment are incorporated by reference and realleged as though fully set forth herein.
2. On or about the following dates, in the Western District of Wisconsin, the defendant,

SHARI BIRCH,

while an officer of Local 1760-A, a labor organization engaged in an industry affecting commerce, embezzled, stole and unlawfully and willfully abstracted and converted to her own use, or the use of another, monies in the total amount of \$333.00 of Local 1760-A, in the amounts and under the circumstances identified below, by causing the transfer of money out of the bank account of Local 1760-A to the payment of a personal phone bill:

Count	Transfer Date	Amount Transferred
19	06/04/ 2009	\$207.00
20	08/07/2009	\$126.00

(All in violation of Title 29, United States Code, Section 501(c)).

COUNT 21

1. The factual allegations in paragraph 1 of Count 1 of this indictment are incorporated by reference and realleged as though fully set forth herein.
2. On or about June 29, 2009, in the Western District of Wisconsin, the

defendant,

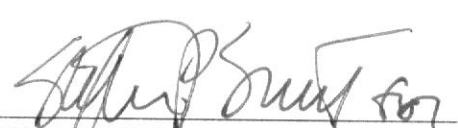
SHARI BIRCH,

while an officer of Local 1760-A, a labor organization engaged in an industry affecting commerce, embezzled, stole and unlawfully and willfully abstracted and converted to her own use, or the use of another, monies, in the amount of \$100, of Local 1760-A, by issuing, and causing to be issued and paid, check number 2201, from the bank account of Local 1760-A, payable to SHARI BIRCH.

(All in violation of Title 18, United States Code, Section 501(c)).

A TRUE BILL


PRESIDING JUROR


JOHN W. VAUDREUIL
United States Attorney

Indictment returned: 11-12-10